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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,386	08/21/2003	Gerold Kloos	ZAHFRI P535US	8081
20210	7590	05/04/2006	EXAMINER	
DAVIS & BUJOLD, P.L.L.C. FOURTH FLOOR 500 N. COMMERCIAL STREET MANCHESTER, NH 03101-1151			SCHINDLER, DAVID M	
			ART UNIT	PAPER NUMBER
			2862	

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Please find below and/or attached an Office communication concerning this application or proceeding.



### **DETAILED ACTION**

1. This action is in response to the communication filed 1/23/2006 and 12/22/2005.

#### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. The disclosure is objected to because of the following informalities: Paragraph [035] on page 2 of the submitted specification changes appears to contain an error on the third to last line in the phrase "the lower release threshold S\_o".

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 16-31 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to Claim 16,

The phrase "an evaluation device for determining the speed of rotation of the rotating measuring body by determining when the amplitude of the speed output is one of greater than an upper release threshold and smaller than a lower release threshold" on lines 29-31 is unclear. The evaluation device does not appear to be determining the speed of the rotating measuring body by determining when the amplitude of the speed output is greater than an upper release threshold and smaller than a lower release

Art Unit: 2862

threshold. Note for example that the evaluation device issues a speed unequal to "zero" only when an amplitude of the speed output signal of the speed sensor is greater than the upper release threshold or smaller than the lower release threshold (see claim 17).

The phrase "provide at speed output" on lines 20-21 is awkward.

As to Claim 18,

The phrase on lines 5-9 is unclear. Specifically, the phrase "and a change in the air gap distance between the speed sensor and the rotating measuring body" on lines 7-9 appears to be redundant.

As to Claim 19,

The phrase "wherein, when as" on line 2 is awkward.

The phrase "the upper and a lower release thresholds" on lines 2-3 is awkward.

As to Claim 31,

The phrase in the last three lines of the claim is unclear. It is not clear what the phrase "that are specific to" on the second to last line refers to. Additionally, the phrase "relative to a change" on the second to last line is also unclear as it is not clear what is relative to a change.

As to Claim 34,

The phrase "the actual distance between the speed sensor and the measuring body represents an air gap between the speed sensor and the measuring body" on lines 2-3 is unclear.

***Response to Arguments***

6. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

The Examiner notes that paragraph [031] of the specification has been amended (see the submitted specification changes of 12/22/2005). Applicant has also amended paragraphs [032]-[037] and has stated the amended version of these paragraphs does not add any new subject matter (see lines 6-7 of page 3 of the Remarks). It appears that paragraph [031] was left out of this statement, and as such it is respectfully requested that applicant state, if proper and appropriate, that no new matter has been added with regard to paragraph [031].

***Allowable Subject Matter***

7. Claims 32, 33, and 35 are allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Schindler whose telephone number is (571) 272-2112. The examiner can normally be reached on M-F (8:00 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Art Unit: 2862

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David Schindler  
Examiner  
Art Unit 2862

DS



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